IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 349 OF 2004

IN

LETTERS PATENT APPEAL NO. 255 OF 2002

Tanaji Balwant Patil
since deceased through legal
heirs
Balwant Mhadu Patil & Anr. .. Applicants.

vs.

Zilla Parishad, Kolhapur
& Ors. .. Respondents.

Mr. M.S. Topkar for Applicant.
Ms. S. M. Ghotekar i/by S.B. Shetye
for respondent no.1.
Mr. R.M. Patne, AGP. for respondent no. 2.

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CORAM: J.N. PATEL &,
A.A. SAYED, JJ.
DATE: 7TH AUGUST 2007.

P.C.

. Heard the learned counsel for the parties. It is submitted by the learned counsel for the applicant

that good and sufficient reasons have been stated in the application for condoning the delay. The respondent strongly opposes the application. The learned counsel appearing for the Zilla Parishad submits that nothing survives in the Letters Patent Appeal and, therefore, no purpose would be served by allowing the application. The State being a formal party, the AGP has nothing to say in the matter.

2. This is an application for bringing the LRs. of the deceased appellant on record. The deceased was an employee in Zilla Parishad who has expired and there were no instructions received by the Advocates in the matter and, therefore, he could not move the Court for bringing the LRs on record. The deceased is survived by aged parents and due to efforts of advocates he could locate them and file this application. We, therefore find that for the reasons stated in the application, the delay in bringing the LRs on record is condoned. Abatement, if any, is set aside and the application is allowed. Necessary amendment be carried out within two weeks.

(J.N. Patel, J.)

(A.A. Sayed, J.)